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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SCOTT SEXTON,

Plaintiff,

v.

SPIRIT AIRLINES, INC.,¹ a Delaware
Corporation; and Does 1-10, inclusive,

Defendant.

Case No. 2:21-cv-00898-TLN-AC

**JOINT STIPULATION AND ORDER
REGARDING CASE STATUS**

¹ Spirit's legal name has changed from Spirit Airlines, Inc. to Spirit Airlines, LLC. Spirit Airlines, LLC is a wholly owned subsidiary of Spirit Aviation Holdings, Inc., a Delaware corporation.

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1 Pursuant to the Court’s order on April 3, 2025 [ECF 45], Plaintiff Scott Sexton (“Plaintiff”)
2 and Defendant Spirit Airlines, LLC. (“Defendant”) (collectively, the “Parties”), by and through
3 their respective counsel of record, hereby agree and respectfully stipulate as follows:

4 WHEREAS, on May 18, 2021, this Court issued its Initial Pretrial Scheduling Order [ECF
5 2] (“Scheduling Order”), which set all trial related deadlines, including deadlines and procedures
6 relating to discovery, disclosure of expert witnesses, supplemental discovery, dispositive motions,
7 and trial setting.

8 WHEREAS, on June 14, 2023, pursuant to the Parties’ Joint Stipulation and Court Order
9 [ECF 32], the discovery cutoff date (and related deadlines) was set for November 27, 2024.

10 WHEREAS, on November 20, 2024, Defendant filed a Notice of Suggestion of Bankruptcy
11 and Automatic Stay of Proceedings [ECF 40]. Pursuant to the Notice, the Court stayed the action
12 to be reopened at the request of the Parties [ECF 41].

13 WHEREAS, on April 2, 2025, Defendant filed a Notice of Effectiveness of Chapter 11 Plan
14 of Reorganization of Spirit Airlines [ECF 43], notifying the Court that the Bankruptcy stay no
15 longer applied and that litigation may resume.

16 WHEREAS, on April 3, 2025, this Court reopened this Action and directed the Parties to
17 file a Stipulation and Proposed Order, or Joint Status Report, including proposed scheduling dates
18 moving forward [ECF 45].

19 WHEREAS, in light of the stay resulting from Defendant’s Bankruptcy Proceedings, the
20 Parties were unable to follow up on key discovery items during the stay and need additional time
21 to complete discovery. As such, good cause exists to modify the Court’s Order setting the discovery
22 cutoff date for November 27, 2024 [ECF 32], to allow the parties additional time to complete
23 discovery. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992) (district
24 court given broad discretion in supervising the pretrial phase of litigation, including modifying the
25 scheduling order for good cause and with the judge’s consent); *see e.g., Hood v. Hartford Life &*
26 *Acc. Ins. Co.*, 567 F.Supp.2d 1221, 1224 (E.D. Cal. 2008) (granting request for modification that
27 was promptly made when it became apparent that compliance with the scheduling order was not
28 possible).

THEREFORE, upon good cause shown, the Parties hereby agree and stipulate that the discovery cutoff date (and related dates) shall be extended by 60 days, to July 1, 2025, to allow the Parties to complete discovery. The Parties agree to resume all other trial related dates pursuant to the Court's Initial Pretrial Scheduling Order [ECF 2].

Dated: May 2, 2025

LITTLER MENDELSON, P.C.

/s/

NICHOLAS W. MCKINNEY
BENJAMIN SANCHEZ
MIGUEL A. MOREL

Attorneys for Defendant Spirit Airlines, Inc.

Dated: May 2, 2025

TOWER LEGAL GROUP, P.C.

/s/


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ARIEL A. PYTEL
Attorneys for Plaintiff SCOTT SEXTON

ORDER

PURSUANT TO STIPULATION, IT IS ORDERED AS FOLLOWS:

- The Discovery Cutoff Date (and related deadlines) is extended by 60 days, to July 1, 2025.
- With the exception of the discovery cutoff date, currently set for July 1, 2025, all other trial related dates noted in the Court's Initial Pretrial Scheduling Order [ECF 2] shall remain in effect.

DATED: May 2, 2025



Troy L. Nunley
Chief United States District Judge